

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2014 JUL 16 P 2:19

THADDEUS MOORE,

Plaintiff

v.

MT. SAINT JOSEPH

HIGH SCHOOL, et al.,

Defendants

Civil No.

14-CV-01788CCB

CLERK'S OFFICE
AT GREENBELT

BY: *AD*

* * * * *

Response To Motion To Dismiss the Plaintiff Pro Se

**MEMORANDUM OF LAW IN SUPPORT OF
PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

With respect to the Defendants attorney's motion to dismiss, the Defendants' attorney states that there is no allegation of any federal statute or anything in the Constitution that would support the question of federal jurisdiction in this matter.

BACKGROUND

Plaintiff is the father of Thaddeus Moore II, a former student athlete at Mount Saint Joseph High School and graduated in 2011. During the senior year, 2010-2011, Plaintiff and son were the object of continual, intentional infliction of emotional distress by Barry Fitzpatrick and his staff. Neither staff of Mount Saint Joseph High School nor the Head of the Board of Directors, Urban Leimkuler. To no avail, the Plaintiff contacted and summoned the Baltimore City Police Department to the school no less than two (2) times, and formally complained to Baltimore's Child Protective Services as instructed by Lieutenant Schullenberger of the Baltimore City Police Department. These requests are substantiated in written correspondence to both agencies, which are charged with protecting the vulnerable in our society.

By January of 2013, the Howard County Police Department had arrested Barry Fitzpatrick, principal of Mount Saint Joseph High School, after parents of another student attending Mount Saint Joseph High

School complained of inappropriate communications with their child. Subsequently, Principal Barry Fitzpatrick was forced to resign.

In 2011 Plaintiff complained, in writing on more than one occasion, to Child Protective Services that his child was being targeted by a pedophile, Barry Fitzpatrick (See Exhibit, which substantiates the correspondence).

STANDARD OF REVIEW

The Plaintiff states: Federal courts are authorized to hear cases brought under Section 1983 pursuant to two statutory provisions of 28 U.S.C.A. § 1343 (3) (1948) and 28 U.S.C.A. § 1331. The former statute permits federal district courts to hear cases involving the deprivation of civil rights, and the later statute permits federal courts to hear all cases involving a federal question or issue. Cases brought under section 1983 may therefore be heard in federal courts by application of both jurisdictional statutes.

Wherefore the Plaintiff, pursuant to the 14th Amendment of the U.S. Constitution Section 1983 and pursuant to two statutory provisions of 28 U.S.C.A § 1343 (3) (1948) and 28 U.S.C.A. § 1331 would bring these claims under federal courts.

PLAINTIFF'S MOTION REQUESTING COURT TO OBTAIN POLICE RECORDS

Plaintiff is requesting that this court obtain Police records pertaining to Barry Fitzpatrick's January, 2013 arrest by Howard County Police Department as it contains information supporting the Plaintiff's stated facts but contains names of Juveniles associated with the reason for Fitzpatrick's arrest. For that reason, by law, the Plaintiff cannot obtain such documents.

SUMMARY OF REVIEW

Defendants' attorney states that there is no federal question. In response, the Plaintiff states that the federal reason for this case is based upon Deprivation of Civil Rights.

Plaintiff has shown in pleadings that the Baltimore City Police Department, when summoned to go to the school – See Exhibit 1 – referred Plaintiff to Child Protective Services that refused to investigate after initially taking a complaint report. Letters from the Baltimore City Police Department also show no investigation was conducted. The State Attorney's Office also showed no willingness to investigate this matter.

Due to staff behavior at the high school, the Plaintiff alerted Child Protective Services that he, the Plaintiff, strongly felt that Barry Fitzpatrick was a pedophile in an email in 2011. By January, 2013, this was evident upon the forced resignation of Barry Fitzpatrick due to "inappropriate communication with students," the very thing that the Plaintiff complained about extensively approximately two and one-half years earlier.

Former employees of Mount Saint Joseph High School will be subpoenaed to testify concerning how Mr. Fitzpatrick's "inappropriate communications" resulted in their resignation and/or dismissal from Mount Saint Joseph High School; namely former athletic Director Mr. Paul Tripplett whose abrupt resignation in 2012 (See Exhibit from the Baltimore Sun Papers) from his alma mater -- Mount Saint Joseph High School – was due to Mr. Fitzpatrick's inappropriate communication to students. Mr. Vincent Fuller, former track coach at the high school, was terminated by Fitzpatrick. One of Fuller's sons, Kyle Fuller an alum of MSJHS, is now with the Chicago Bears; however, Kendall Fuller, with whom Barry Fitzpatrick again attempted to inappropriately communicate since Kendall Fuller sought admission into Good Counsel High School after spurning pleas to attend Mount Saint Joseph High School. Vincent Fuller was then terminated since Kendall adhered to his father's advice to attend Good Counsel High School instead of MSJ. In retaliation for Vincent not wanting his son to attend MSJ, Barry Fitzpatrick terminated Vincent Fuller.

Al Seamonson, former linebacker coach at the University of Maryland, stated to the Plaintiff that Thaddeus Moore, II was a top recruit in 2010.

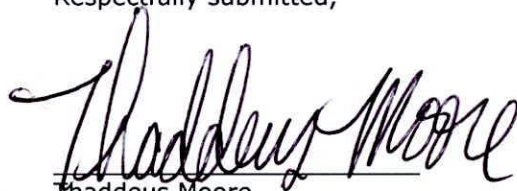
Throughout the four-year experience of Thaddeus Moore, II at Mount Saint Joseph High School, Barry Fitzpatrick continued to inappropriately communicate with my son, whether directly or indirectly (Abuse by Proxy) certainly provoking, unjustly, the wrath of my son who never let his emotions react negatively on the verbal and "outcast" treatment he received. Such treatment is against the sayings of the Holy Bible and Mount Saint Joseph High School is a Bible-based Catholic school.

One instance of serious concern carried out by other staff at Mount Saint Joseph High School was the action of Blake Henry, the ~6'4", 275 lb. head coach of varsity football. He cursed at and thoroughly berated Drexel Mosby's Mother, a 4'11", 105 lb. woman, in front of the entire team. This abuse, occurring in Massachusetts, was outside of the state of Maryland. When the Plaintiff continued to complain about such allowed behavior under the watchful administration of Barry Fitzpatrick, the Plaintiff was referred to Urban Leimkuler, the Head of the Board of Directors located in Connecticut. To no avail, Mr. Leimkuler refused to take any actions against the staff at Mount Saint Joseph High School.

Wherefore, the Plaintiff, based on these facts prays for summary judgment.

DATED: July 16, 2014

Respectfully submitted,

A handwritten signature in black ink that reads "Thaddeus Moore". The signature is written in a cursive style with a horizontal line underneath the name.

Thaddeus Moore

Pro Se

Plaintiff

10069 Guilford Road

Jessup, MD 20794